

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/15/2023

-----X
LORI GARDNER-ALFRED and JEANETTE DIAZ,

Plaintiffs,

-v-

FEDERAL RESERVE BANK OF NEW YORK,

Defendant.
-----X

22-cv-01585 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Appeals Coordinator received the attached Notice of Appeal in this case. The Notice of Appeal purports to be signed by Daphne Ha; however, the Appeals Coordinator contacted Ms. Ha about the notice and Ms. Ha stated that she did not file it. The Notice of Appeal is fraudulent.

The Appeals Coordinator and Clerk of Court are directed to file the Notice of Appeal on the record in this case. However, for the reasons stated, the Notice of Appeal is rejected and shall not be transmitted to the Second Circuit.

SO ORDERED.

Dated: May 15, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARDNER-ALFRED et al,
Plaintiffs

V.

Case#1:2022cv01585

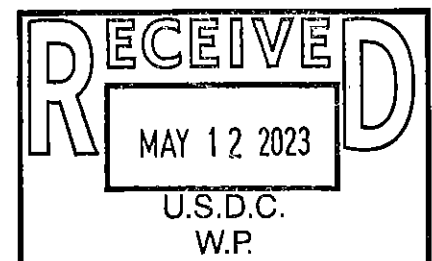
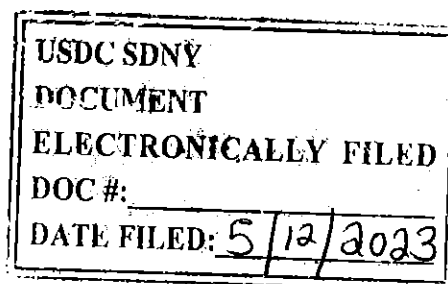
FEDERAL RESERVE BANK of NEW YORK,
Defendant

NOTICE OF APPEAL

This notice of appeal is by Defendant for ORDER Dkt#145 due to excusable neglect and transfer of interest of Defendant to Federal Trustee Duane L. Berry. See attached.

Dated 5-11-2023

/s/Daphne T Ha
Federal Reserve Bank of New York
33 Liberty Street
New York, NY 10045
(ATTORNEY)



No. 21-11738-J

JURISDICTIONAL QUESTION

Please address whether the notice of appeal contains the signature of Duane Berry, who has purported to be a federal trustee for the Department of Treasury, so as to comply with the federal rules of procedure. *See* Fed. R. Civ. P. 11(a) (“Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name— or by a party personally if the party is unrepresented. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.”); Fed. R. App. P. 25(a)(2)(B)(iii); *Becker v. Montgomery*, 532 U.S. 757, 760–65 (2001) (noting that the signature requirement applies to notices of appeal but is not jurisdictional and may be satisfied after expiration of the initial appeal period if the notice is otherwise timely and sufficient, and promptly corrected); *see also* 11th Cir. R. 25-4 (requiring all filed papers to be signed); *Thiem v. Hertz Corp.*, 732 F.2d 1559, 1562–63 (11th Cir. 1984) (holding that a notice of appeal was sufficient to confer appellate jurisdiction where the names of counsel and the appellant were typed on the notice of appeal).

If the notice of appeal is in fact deficient, please address whether Berry can cure the lack of a signature by filing a signed notice of appeal in the district court. *See* Fed. R. Civ. P. 11(a); *Becker*, 532 U.S. at 760–65.

USCA11 Case: 21-11738 Document: 5-1 Date Filed: 06/21/2021 Page: 1 of 1

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-11738-J

U.S. DEPARTMENT OF THE TREASURY,

Plaintiff - Appellee,

versus

SEIZED FEDERAL SECURITIES,

Defendant,

DUANE L. BERRY,

Interested Party - Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

ORDER:

The Appellant's motion to stay pending appeal, construed from motion to stay all Orders, Judgments, Mandates, Proceedings or otherwise in this action is GRANTED to the extent that this appeal shall be stayed for a period of sixty (60) days. The Appellant may file a renewed motion for stay at the expiration of the sixty (60) day-time period if necessary.

The Appellant is directed to file a monthly status report on the 15th of every month until the stay has been lifted.

/s/ Robin S. Rosenbaum
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals
for the Fifth Circuit



No. 20-10958

A True Copy
Certified order issued Mar 04, 2021

John W. Cuyler
Clerk, U.S. Court of Appeals, Fifth Circuit

DUANE L. BERRY, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF
THE FEDERAL RESERVE BANK OF NEW YORK, *also known as* DUANE
LETROY BERRY,

Plaintiff—Appellant,

versus

DANIELLE POWERS,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CV-2034

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of March 4, 2021,
for want of prosecution. The appellant failed to timely pay the fee.